

[Awino Okech](#) [1]

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It is 2006. We are in Green Point, a public beach in Cape Town. "Freedom" has been here for a while so all races mingle freely. A group of women having wine and dined the whole night as part of ushering in the New Year think it is a great idea to take the last bottle of champagne to the beach. A kiss is exchanged between two women and this draws multiple stares of disapproval from heterosexual families on the beach. Soon, an irate father walks up to the group and demands; "you must not do that in front of the children." "That" being a public display of affection between two women and the children were disinterested in what was going on. This is "Africa's pink capital".

Fast forward to 2012, I am walking down the Strand in the West End of London. Ahead of me was a couple that I would read as a gay, since they were two men holding hands. In many contexts, two men holding hands would be seen as odd especially if it was not an action precipitated by a handshake that went on for too long. Yet, it is in some of these contexts that you will find kissing on the cheek, acceptable as a form of greeting amongst men. But I digress. One of the men was dressed in terms that could be described as flamboyant. He did not wear muted colours that are expected as a reflection of "masculine traits" - virility, in control and in charge - commonly associated with dark blues, beige, browns, dark red for a tie, off white and navy blue for shirts. This was a man who was aware of his body, so he moved, swayed recognized that he had hips and they could do much more than move in a linear fashion. I smiled. However, that smile was quickly dissipated, by the number of stares and laughs that this couple generated on what can be described as one of London's most cosmopolitan streets. As a theatre and cultural district - and if old stereotypes are to hold - this end of town should have been more unfazed. However, their expression of affection and love as two men was sufficient cause for stares.

### THE STATE AND "OTHERNESS"

I became acutely aware on both these occasions, that like many issues such as poverty, stolen elections, violence against women to name a few that seem to generate distinct binaries of "otherness" between the Global South and North or the seeming "paradises" in Africa, what differs is the degree to which each society chooses to deal with perceived transgressions and whether the state endorses or deters violent responses to "otherness."

The recent wave of legislation seeking to criminalise and extend government surveillance of non-heterosexual relationships has re-surfaced a number of conceptual tensions and their impact on lived realities. There are three that I would like to focus on here.

### MORAL PANICS

The first is the place of moral panics in nation-state consolidation processes. Many commentators on the Ugandan and Nigerian Bill which have held our attention most recently [1] have deployed the argument that this is simply a diversionary tactic - a tool by incumbent regimes to draw attention away from fledgling governments, an opportunity to re-organise ahead of elections or waning popularity, as arrests, pitch forks and effigies are burnt in the name of the aberration called being a homosexual. Granted, moral panics serve the function of diversion but we would be letting governments off too easy if we assumed that the management of sexual politics was not essential to state structure as we know it today. To simply read Nigeria, Uganda and many other states actions as diversionary political tools is to argue that the state across the world is not founded and sustained by a series of complex hetero-sexist and patriarchal norms that when threatened have to be re-constituted.

### THE HETERO-NORMATIVE PARADIGM

Let me illustrate through an analysis of the one of central pre-occupation that shapes anti-gay movements and lobby groups. The emphasis on reproduction often rears its head with the false argument that a gay possibility would be entertaining the extinction of human beings. Inherent in these arguments is an affirmation of the fact that reproductive technologies across the world and in Africa rely on a hetero-normative paradigm that is not simply about sperms and eggs making children but that these children must be raised within a family unit that has a paterfamilias and

where power both actual and symbolic lies with the patriarch. The woman's power is derived from her feminine roles, which emphasize the place of reproduction, regeneration and the sustenance of the family unit and progeny and the service that offers to the state through a thriving population. A refusal or inability to give birth, the choice to terminate a pregnancy becomes the source of a moral panic.

### PATRIARCHAL TRUTH TELLING

In post-conflict environments where populations have been decimated or where ethnicity or race holds value to political mobilization under the guise of "purity", rules are created to police women's reproductive capacities – choice is circumscribed. Men's sexual practices are also circumscribed but transgressions are allowed as part "teaching the enemy a lesson" such as the rape of women. Sexual violence becomes acceptable and forms part of a constellation of practices that permit multiple forms of violence against women as an exercise of power. Sexual violence against men in situations of conflict also becomes a mechanism of asserting victory and power through sexual dominance and therefore challenging the enemy's male authority beyond killing, maiming and looting. The anti-miscegenation laws in Apartheid South Africa and the recent conversations in sections of Kenya about who women are "allowed" to marry and the number of children they should have are not idle political chats at rallies. They are part and parcel of patriarchal truth telling. This truth in different contexts gets legitimised through laws, cultural rites and norms that impose expectations as a central part of belonging.

### DISTURBING THE HEGEMONIC MALE

A deviation from the hetero-norm upsets the very foundation on which states are established – the heterosexual family and heterosexuality as the basis on which resources and power in society is distributed in the economy, reinforced socially through "hen" and "kitchen parties" to "stag nights", "the bachelor and bachelorette"; in organised religion and through legislation to name a few. A man who chooses to have sexual and love relations with another man subverts and disturbs the hegemonic male, whose ability to exercise control and authority in the family is determined by his mating with the opposite sex that is considered weaker and regenerating gender power through his role as paterfamilias. One of the ways in which the pervasiveness of this idea is drawn home is through the persistent question: who is the man and who is the woman in homosexual relationships? Obviously, multiple victories by the feminist movement in its diversity, disturb the notion of women being weaker but the fact that we still celebrate the oddity of a woman president in Africa, pursue the possibility of a woman being able to pass citizenship to her children in constitutions or engage in protracted debates about how women should vote for themselves indicate the multiplicity of systems that hold in check power hierarchies between women and men while giving a sense of progress.

### WHAT IS THE BUSINESS OF THE STATE IN THE BEDROOM?

The second point is linked to the idea of sexual politics serving a singular purpose of diversion and not being a factor in nation state consolidation processes. This is the argument that the state has no business in my bedroom. This argument is a rehearsal of the public/private dichotomy, which feminists in particular have worked for years to dismantle. Central to dismantling this dichotomy is the position that it is through this false distinction that spaces and consequently power becomes designated along gendered lines and often to the disadvantage of women and non-hegemonic men. Feminist scholar Carol Cohn describes this as the bi-polar construct of gender that shapes perception of the world as a series of oppositions, such as: culture-nature, ratio-emotion and logic-intuition. The first 'half' of each of these pairs is seen or labeled as masculine, and consequently valued, while the second is considered or labeled feminine, and devalued (Cohn, 1987) [2]. An examination of spaces that are deemed to be private and public, show that there is a constant interface between the two.

For instance, leaders as public individuals draw on powerful private symbols to shore up their ability to lead – for men, being married with children and being able to keep any extra-marital affairs and their fall outs away from public scrutiny affirm your credentials as solid, trust worthy and able to manage a country or constituency. The leader is reliant on the "private" to be managed by the woman/wife so that it enables the "public" to continue undeterred. The rules as we know, do not always apply so neatly with women leaders. For instance, it is only in 1971 and 1972 respectively

that the United States of America and the United Kingdom, revised their diplomatic service rules to allow women to serve as abroad upon getting married. Conversely, a man who chooses not to marry a woman or marries and keeps on divorcing, wears jewelry or does not subscribe to organized religion, represents a conundrum that must be disciplined into a normative performance of masculinity. Deviations from the norm are allowed but the heterosexual family unit must stand as the fulcrum from which any transgressions occur – such as multiple partners. You are allowed to have extra-marital affairs even with men – but have a wife and children must exist and be maintained to ascertain societal respectability and therefore the heteronorm.

If we queer the public/private dichotomy, the assumption that performing a love relationship only occurs within the confines of a bedroom is false and must be disabused. It is on the basis of disturbing this idea that legislation on domestic violence has gained ground across the world. The state is always present in your bedroom. Its absence has an impact on your access to services and this is the source of the tenuous relationship between citizens and governments.

Let me illustrate. A heterosexual woman who carries a full term pregnancy visibly displays the product of her labour in the bedroom and potentially other spaces in the public domain. She includes the state in this conversation when she needs pre and antenatal care and later when the child requires education and health care as an active citizen. When the state is absent from her bedroom, they will not recognize the legitimacy of her demands on the basis of her citizenship and the relationships that accompany her being, therefore her ability to claim these services is reduced. The state legitimizes her demands by recognising the circumstances ergo relationship that produces the children as valid and therefore subject to state responsibility. It allows her for instance, to make demands on an absent biological father for child support.

Consequently, the erasure of same sex relationships or their reduction to a sexual act and not a life act with traction has an impact on access to sexual and reproductive health care services due to service providers who are prejudiced and therefore refuse to educate themselves on the nature of illnesses and wellness issues presenting before them. State absence and blindness to same-sex relationships limits a couple's ability to name and claim their partner as a legitimate parent to a child, it determines the ability of that child to authentically be part of a school, especially when the teacher asks them to write a composition about their family and it does not conform to the norm and therefore subject to "counseling". State blindness, limits the ability to name and claim any benefits associated with a non-heterosexual partnership whether this is for insurance or who you bequeath your books or favourite shirt to when you no longer roam the earth – the latter is a legitimisation demanded of families. For individuals whose gender identity challenges the very idea of being a woman or a man because it is not linked to occupying a specific body, it becomes complex since it hinders their ability to occupy the world. Being written out of state services, serves a regulatory and punitive function. It is aimed at punishing non-conformity, forcing compliance and denying services and rights on the basis of equal citizenship except when it is needed such as through the vote. The state is always in your bedroom because acts that occur in that sphere always have public implications.

### THE STATE WILL DEFINE FREEDOM

Finally, these bills have brought home powerfully, the illusion of freedom. Non-heterosexuals who are mobile and occupy particular class positions experience "freedom" if they carefully choose which spaces to hang out and which company to keep. These choices are not available to the same degree to others who occupy lower class positions or choose to remain authentic to the sites in which they grew up in - townships or high- density areas. Their experience of insecurity and lack of autonomy and bodily integrity differs significantly from that which the London couple or Capetonians who frequent Green Point or Kalk Bay would encounter. Nonetheless, all experiences are legitimate. These bills and laws where they exist have created a game of smoke and mirrors constantly interrupted by closets and multiple roads that demand persistent "coming out". This shape shifting is not only demanded of ordinary citizens. It is demanded of politicians, business magnates, political aspirants, sports personalities who occupy the world in a series of proverbial closets. More importantly, as homosexual relationships take centre stage, they are also accompanied by a very powerful discourse that insists on the performance of appropriate heterosexuality through conservative assertions of "respectable" masculinities and femininities. Freedom is here but it must

be enjoyed on specific terms, even for the paterfamilias. The "real man", "real woman" discourse is here, in more retrogressive ways than before, despite the illusion of progress.

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### ENDNOTES:

1. The debate on the Ugandan Bill popularly referred to as the 'Bahati Bill' has a longer history beginning in 2009, which was captured in Pambazuka News. In fact, it is the engagement by diverse political and social justice movements that resulted in massive shifts on a bill that was as bad as the Nigerian one, even though the goal was to quash the Bill altogether.
2. Cohn, Caro. 'Sex and Death in the Rational World of Defense Intellectuals' in 'Signs: Journal of Women in Culture and Society, vol. 12, no. 4 (1987): 687-718.

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### Article-Summary:

The state is always present in your bedroom. Its absence has an impact on your access to services and this is the source of the tenuous relationship between citizens and governments. Surveillance on LGBTI people and what they seek to do in private is measured against the ideal of the hetero-normative paradigm

**Category:** [Governance](#) [4]

**Oldurl:** <http://www.pambazuka.org/en/category.php/features/90737> [5]

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